W.P. No. 158 of 2006 (M/S)
WITH
Stay Appl. No. 1684 of 2006

Hon. P.C. Pant, J.

Heard.

This petition, moved under Article 227 of Constitution of India is directed against the interim order dated 13.02.2006, passed by learned District Judge, Udham Singh Nagar in Misc. Appeal No. 05 of 2006.

It appears that respondent/plaintiff instituted a suit before the trial court for injuction against the defendant (petitioner before this Court), on the basis of his tenure holder rights and the possession. The plaintiff pressed the application for temporary injuction before said Court and the application for temporary injuction which was rejected by trial court on 03.02.2006. Aggrieved by said order, plaintiff preferred Misc. Appeal before the learned District Judge. After admitting the appeal, the appellate court directed that in respect of the land in suit, the defendant would not interfere into the possession of the plaintiff. The said appeal is still pending before the trial court. There is no illegality or jurisdictional error in the impugned order passed by learned District Judge. This Court, in its exercise of revisional jurisdiction under Article 227 of Constitution of India, is not expected to go into the factual dispute between the parties.

Therefore, this petition is dismissed in limine with the observations that the petitioner (defendant) may make an application before the appellate court for early hearing of the appeal. This Court has no reason to believe that the appeal would not be disposed of at an early date as it relates to the dispute of the standing crop over the land in question.

Stay Application stands disposed of.

Dt. 23.02.2006 (P.C. Pant, J.)
Sweta